

**STEWART LEE KARLIN LAW GROUP, P.C.**  
**ATTORNEYS AT LAW**  
**111 John Street, 22<sup>nd</sup> Floor**  
**New York, New York 10038**  
**(212) 792-9670/Office**  
**(844) 636-1021/Fax**  
[dan@stewartkarlin.com](mailto:dan@stewartkarlin.com)

MEMBER OF THE BAR  
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Concentrating in Employment, Education and  
Insurance Law

July 7, 2023

**BY ECF**

Honorable Judge Rachel P. Kovner  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Caggiano v. New York City Department of Education, et al.**  
**22-cv-03853-RPK-TAM**

Dear Judge Kovner:

I represent Plaintiff Mario Caggiano in the above-referenced matter. I am writing pursuant to Your Honor's Individual Practice Rules to request a pre-motion conference regarding a motion to amend the Complaint. Additionally, it is requested that the motion to dismiss pending before the Court be held in abeyance until this motion to amend the pleading can be decided.

Plaintiff commenced this action and opposed Defendants' Motion to Dismiss as a pro se litigant. The opportunity to amend the complaint for the first time will allow Plaintiff to narrow the issues that are before this Court and set forth additional factual allegations as needed for the viability of the pleading. Further, following the briefing of Defendants' Motion to Dismiss, Plaintiff has suffered an additional adverse employment action by Defendant, as last week he was served with charges pursuant to Education Law 3020-a, with the New York City Department of Education seeking the termination of his employment. As this further adverse action taken by the Defendants arises from the same factual allegations set forth in the complaint, amending the complaint to include these additional allegations would conserve judicial resources by avoiding the commencement of an additional lawsuit.

Thus, it is respectfully requested that a pre-motion conference be held regarding Plaintiff's proposed motion to amend the complaint, and that the motion to dismiss pending before the Court be held in abeyance until this motion to amend the pleading can be decided. I reached out to Defendants' counsel but do not yet know her position on this motion yet.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Dugan', with a stylized, sweeping underline.

DANIEL EDWARD DUGAN, ESQ.

cc: Via ECF to Karen Rhau, NYC Law Department  
*Attorney for Defendants*